

An Evaluation of the Rational Choice Theory in Criminology

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Abstract

Rational choice theory is an approach used by social scientists to understand human behavior. This approach has long been the dominant paradigm in economics, but in recent decades it has become more widely used in other disciplines. It is basically about how incentives and constraints affect behavior. This article discusses rational choice theory in criminology. This study provides the basic assumptions of the rational choice approach, and then evaluates this approach by giving several examples of its use. The first example is about rational choice model of illegal sales of tobacco products to underage youths, which places a strong emphasis on the situational factors. The second study is about an assessment of rational choice theory applied to corporate crime. The last example is about the study of the rationality of agencies and communities in responding to the law breaking of offenders. These articles qualify as examples of rational choice perspective on different settings. This study emphasizes the role of rational choice theory in criminology and illustrates how widely the rational choice method has been applied in the field of criminal justice.

Key words: Rational choice, criminology, criminal justice

Introduction

Rational choice theory is an approach used by social scientists to understand human behavior. This approach has long been the dominant paradigm in economics, but in recent decades it has become more widely used in other disciplines. It is basically about how incentives and constraints affect behavior. Rational choice theory is based on several assumptions: One of those is individualism; it focuses on individual behavior. The second assumption is that individuals have to maximize their goals, and the third is the assumption that the individuals are self-interested.

In this article, I am going to discuss rational choice theory, specifically in criminology. Firstly, I will outline the basic assumptions of the rational choice approach, and then I will provide several examples of its use. I selected my

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examples to illustrate how widely the rational choice method has been applied in the field of criminal justice.

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Fundamentals of the Rational Choice Theory

Before examining these studies in detail, we need to identify the basic assumptions or propositions of the rational choice perspective. Keel (1997) describes the central points of this theory as follows:

- 1) The human being is a rational actor,
- 2) Rationality involves an end/means calculation,
- 3) People (freely) choose behavior, both conforming and deviant, based on their rational calculations,
- 4) The central element of calculation involves a cost benefit analysis: Pleasure versus pain or hedonistic calculus,
- 5) Choice, with all other conditions equal, will be directed towards the maximization of individual pleasure,
- 6) Choice can be controlled through the perception and understanding of the potential pain or punishment that will follow an act judged to be in violation of the social good, the social contract,
- 7) The state is responsible for maintaining order and preserving the common good through a system of laws (this system is the embodiment of the social contract),
- 8) The swiftness, severity, and certainty of punishment are the key elements in understanding a law's ability to control human behavior.

While traditional criminology tended to see criminals driven by their conditioning and environment, more recent economics based theories portray them as *rational* decision makers who base their decisions to commit crimes on an analysis of the risks of the venture compared with the expected profits. That is, the criminal does a cost-benefit analysis (Piquero & Hickman 2002).

The starting point of rational choice perspective is that crime is chosen for its benefits. Rational choice theory asserts that if the benefits of crime are high and the costs low, crime will occur. However, if the benefits of crime are lower than the

costs, crime will not occur. An implication of this theory, then, is that if the costs of crime are made to be high, would be rational offenders will be restrained or deterred from committing it (Paternoster & Bachman 2001: 1).

At the heart of the rational choice perspective lies the assumption that criminal and delinquent offenders are goal-oriented and seek to exhibit a measure of rationality- on some level they consider the potential costs and benefits of crime and act accordingly (Cornish & Clark 1986).

An Evaluation of the Rational Choice Theory in three Examples

The first article that I examine in this study is “Illegal Tobacco Sales to Youth: A View from Rational Choice Theory” by O’Grady *et al.* (2000). In their article, the authors identify the factors that predict illegal sales of tobacco to under age youth. On November 30th, 1984, the government of Ontario implemented the Ontario Tobacco Control Act in order to address the issues of smoking in public places, related signage, and tobacco sales. The Act raised the legal age for selling tobacco from 18 to 19 years of age and set a graduated penalty structure for merchants who sell tobacco products illegally to underage youth. They argue that despite this new law and fine structure, many retailers remain willing to sell tobacco to minors. Previous researches also support this argument.

O’Grady *et al.* (2000) ask the question: Why so many merchants break the law and illegally sell tobacco products to minors?. They focus on the factors that influence the decisions of merchants who are confronted by youth who wish to purchase tobacco. To address this research question, they used a quantitative research method for their study. Data for their study are based on 439 merchant compliance checks (events where underage youth attempt to purchase tobacco products) in Ontario, Canada. Previous research on this issue was based on bivariate analyses and a systematic sociological conceptual framework was not considered. In this study, the authors undertook a multivariate regression analysis of merchant sales to minors that was theoretically informed by rational choice perspective.

The basic assumption of this theory is that individuals are seen to make rational decisions based on the extent to which they expect the choice to maximize their benefits and minimize costs. O’Grady *et al.* (2000) focus on the explanations of the criminal event rather than explaining individual criminality. They attempted to merge explanations of crime which focus upon the impacts of external social and economic factors (population density, the business cycle, geographic local) with situational context which emphasis on the factors specific to the criminal event. They argue that merchants selling tobacco to minors are expected to refrain from such activity if the perceived costs of selling tobacco to minors (receiving a fine or losing their tobacco license) exceed the benefits (the revenue generated from illegal sales).

Greenberg *et al.* (1995) talk about the importance of systematic empirical research. They suggest that the complexity should be accounted for and confronted directly, the hypotheses should be sufficiently precise, theoretical models may adequately represent reality. They also talk about formulation of hypotheses and the elaboration of theory; operationalizing of concepts is crucial. They suggest that for a policy hypothesis to be predictive, the casual variable must obviously be observable and measurable at a point in time before the effect and should not be subject to significant change beyond that point of evaluation.

In my opinion, O'Grady *et al.*'s (2000) study fits these criterions. To measure the dependent variable, merchant compliance, the researchers use a dummy variable to measure the outcomes of each sales event. They recorded the event positively if a merchant was prepared to sell cigarettes to a youth volunteer team. In contrast, they recorded the event negative if the youth were turned down in their purchase attempt. They also used three sets of independent variables-enforcement, background, and event factors- in their analysis to keep with the assumptions of a rational choice model of offending. Because if there is enforcement, the individual is less likely to commit crime (selling tobacco to minors). According to rational choice theory, people are more likely to commit crime if the expected benefits (gaining money) exceed the expected costs (getting fine, loosing license).

Their findings help to support a rational choice model of illegal sales of tobacco products to underage youths and suggest that the situational context of the criminal event relates strongly to decisions to offend. Decision makers' assessment of the costs and benefits of such actions during the offense affect the choices involved in selling cigarettes to minors.

The second article's title is: "Rationality and Corporate Offending Decisions" by Simpson *et al.* (2002). The purpose of their study is to review and assess rational choice theory as it applies to corporate crime. In their descriptive study, they tried to find answer to the following two questions: The first one is "how the understanding of corporate offending enhanced through the rational choice model?" The second question is "what are the unique challenges to this model posed by organizational context?"

They started by defining the corporate crime: "the conduct of a corporation (or of employees acting on its behalf) which is proscribed and punishable by civil, administrative, or criminal statutes" (Simpson *et al.* 2002: 26). I think it is good that they provide a clear description of the term (sometimes this might be sources of confusion). They argue that corporate crime and corporate offending can be understood within a cost-benefit framework. One of the reasons is that most corporate executives and managers are not committed to crime as a way of life. The second reason is that corporate crimes are rarely spontaneous events or driven by emotion.

The rational choice perspective assumes that, under conditions of uncertainty, the decision to engage in corporate crime is a function of the perceived costs and benefits of crime relative to the perceived costs and benefits associated with noncrime. Individuals, therefore, are assumed to be sensitive to the consequences of their actions and thus make reasoned judgments after considering the costs and benefits of legal and illegal solutions to problems (Simpson *et al.* 2002: 26).

The authors state that there is little empirical research which has tested the premise that corporate crime is responsive to deterrence strategies that both individual and organizational factors influence the etiology of corporate offending. They argue that a better rational choice model of corporate offending would include not only formal sanction threats directed toward responsible managers and firms, but a variety of individual and organizational level factors that could promote or inhibit offending. They talked about tests of Paternoster and Simpson, which demonstrated that “a rational choice model that is broadly conceived—one that includes normative restraints along with individual and firm level costs/benefits—enhanced the understanding of how corporate offending decisions might occur” (Simpson *et al.* 2002: 29).

They also talked about important challenges to the rational choice model. One of these is the implicit assumption that crime is the intended outcome of some kind of cost-benefit calculus. They mentioned about some critics that have suggested that varying characteristics and situations (context) of corporations can affect rationality in strategic decision processes and that rational choice assumptions are violated when the model is applied to corporate entities instead of individual decision makers. Critics of rational choice have noted that individual decisions are often made without relevant information, absent careful consideration of evidence, out of habit, or under pressure from others. They concluded that complexities of organizational life seriously challenge the simple assumptions of rational actor model (Simpson *et al.* 2002).

Simpson *et al.* (2002) believe that the challenges to rational choice model emphasize situations and conditions under which rationally may be compromised. They argue that these pose challenges to a rational choice model of corporate offending rather than invalidate it. Even with deficiencies, they believe that a rational choice perspective illuminates how illegal decisions can occur in some corporate settings within particular decision types.

The title of the last article is: “I am Down for My Organization: The Rationality of Responses to Delinquency, Youth Crime, and Gangs” by Decker & Curry (2002). There has been lots of research on the rationality of the behavior of individual offenders. On the other hand, less attention has been devoted to the study of the rationality of institutions in responding to the offenders. Because of this reason, the authors examined the community response to gangs and youth violence in St.Louis.

According to Justice Department data, there was a substantial increase in the levels of youth and gang violence from 1985 until the mid-1990s and there were more than 26 thousand gangs and over 800 thousand gang members in the United States.

Decker & Curry (2002) talked about developing research based national policy responses to gangs and delinquency. Office of Juvenile Justice and Delinquency Prevention (OJJDP) supported the development of the programs like Spergel model and Comp strategy to identify the causes and correlates of delinquency and develop systematic responses to it. For the success of a comprehensive community program, participation of the following agencies was essential: the police, persecution, judiciary, corrections, probation, schools, community based youth agencies, and employment programs.

They mentioned about a number of assumptions about organization. One assumption is that institutions that make up the criminal justice systems have some commonality of rational structure across jurisdictions. Another assumption is that given a general set of goals shared across organizations, partner agencies can fulfill their separate operational objectives while contributing to the success of the overarching plan. It is also assumed that the organizational structures of each agency constitute systems of rational behavior that can be linked into a system of rational behavior operating at a higher level of complexity. They argue that the existence of organizational rationality is fundamental to the success of comprehensive programs that would attempt to effect system change (Decker & Curry 2002).

In 1995, the St.Louis Safe Futures Program, which integrates suppression, social opportunities provision and social interventions, was funded by OJJDP for five years at \$1.4 million per year. This program was supported by fifteen agencies. A workshop was provided to create an understanding among agency partners. I am not going to talk about the details of the program. The authors talked about some of the problems that they encountered during the implementation of the program. For example, early on the police did not want to become full participants. The police did not want to work with community based agencies that employed former criminals and gang members as outreach workers. The public schools were unable to track students and use technology (Decker & Curry 2002).

After reviewing the behavior of a comprehensive delinquency and gang intervention program, Decker & Curry (2002) concluded that this program fails to put all of the pieces together. They concluded that narrowly focused interventions based on single service provider or limited partnerships are most likely to achieve rational operating status. This descriptive analysis demonstrated that although motivated by different concerns, the rational organizational behavior seems comparable to that of individual offenders.

In order to compare the studies, we need some criteria. There are some criteria for deciding that one study is better than another or one method is more appropriate

than the other methods. Gerring (2001) proposes broad, general criteria to evaluate research that can be applied across paradigms, across approaches, across all disciplines. Even though researchers use different methods, as in the three examples, we can apply some of these criteria. Gerring's argument is that different methods are going to have different problems, strengths and weaknesses; it is hard to make reasonable argument about quality of the work; there are always tradeoffs.

In our examples, rational choice theory was tested in different settings. I think these studies fit the Gerring's general criteria for scientific studies. For me, the most important criterion is "specification"; operationalization, clarification and falsifiability are all very important. He argues that the arguments of the theory should be coherent and easily understandable; a theory should be testable and replicable. I observed that the studies based on rational choice theory are testable, replicable. Greenberg *et al.* (1995) and Sabatier (1999) argue that a scientific theory should identify a set of causal drivers, which will provide the internal and external coherency.

Conclusion

In this study, I provided an overview of the rational choice theory and its methodological foundations. Rational choice theory is subject to a number of criticisms. Paternoster & Bachman (2001) argue that even though all assume that crime is the outcome of choice, they differ in their concept of what constitutes a "rational" choice. Opp (1997) argue that most of these differences can be subsumed under the concept of wide and narrow formulations of rational choice. Wide formulations assume that an individual's behavior is characterized by "limited" or "bounded" rationality. This means that criminal decision making is inevitably less than perfect. Because offending involves risk and uncertainty, offenders are rarely in possession of all the necessary facts about costs and benefits. Offenders generally do their best within the limits of time, resources, and information available to them. This is why their decision making characterized as rational, although in a limited way (Paternoster & Bachman 2001).

Jones (2001) argues that rational choice is expressively wrong at behavioral level. Because of this, it can not serve as a proper organizing approach for social level phenomena. He talks about "bounded" or "intended" rationality, which captures the notion that humans are goal driven, or intentional, but not fully adaptable in the current decision making activities. He argues that rational decision making is fully adaptive decision making, however, intended rationality points to those aspects of decision making where rationality ends. He explains this failure by biological constitutions. He not only makes a stronger argument against rational choice but also strengthens the case for bounded rationality.

There are some advantages of this theory: Within criminology, the rational choice perspective claims to shed light on all forms of criminality, including the impulsive or irrational ones, enabling such forms of criminal behavior to become more plausible (De Haan & Vos 2003). The rational choice theory has created a salient research agenda exploring how offenders make the decision to transform a criminal orientation into an actual criminal event. And it has led to fruitful insights into how structuring physical environments and surveillance strategies can undermine or enhance situational crime prevention (Clarke & Felson 1993). Rational choice perspective's most important policy application to date has been in the field of situational crime prevention, which is a broad set of techniques designed to reduce opportunities for crime (Clarke 1997).

In conclusion, I can say that rational choice approach is very useful in the field of criminal justice, because rational choice theory provides a general framework for understanding every kind of crime. It is also very useful in explaining crime and in suggesting new forms of prevention.

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